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**Introduced by Senator Perata**

February 21, 2003

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An act to amend Section 4980.43 of the Business and Professions Code, relating to marriage and family therapists.

LEGISLATIVE COUNSEL'S DIGEST

SB 816, as introduced, Perata. Marriage and family therapists.

Existing law provides for the licensure and regulation of marriage and family therapists by the Board of Behavioral Sciences. Under existing law, a marriage and family therapy intern or trainee is required to gain experience as an employee or volunteer in specified work settings, including governmental entities, schools, colleges or universities, and other specified facilities.

This bill would instead authorize an intern or trainee to gain experience in any lawful work setting where a trainee provides services that meet certain requirements.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 4980.43 of the Business and Professions  
2 Code is amended to read:  
3 4980.43. (a) For all applicants, a minimum of two calendar  
4 years of supervised experience is required, which ~~experience~~ shall  
5 consist of 3,000 hours obtained over a period of not less than 104  
6 weeks. Not less than 1,500 hours of experience shall be gained  
7 subsequent to the granting of the qualifying master's or doctor's  
8 degree. For those applicants who enroll in a qualifying degree

1 program on or after January 1, 1995, not more than 750 hours of  
2 counseling and direct supervisor contact may be obtained prior to  
3 the granting of the qualifying master's or doctor's degree.  
4 However, this limitation shall not be interpreted to include  
5 professional enrichment activities. Except for personal  
6 psychotherapy hours gained after enrollment and commencement  
7 of classes in a qualifying degree program, no hours of experience  
8 may be gained prior to becoming a trainee. All experience shall be  
9 gained within the six years immediately preceding the date the  
10 application for licensure was filed, except that up to 500 hours of  
11 clinical experience gained in the supervised practicum required by  
12 subdivision (b) of Section 4980.40 shall be exempt from this  
13 six-year requirement.

14 (b) (1) All applicants and registrants shall be at all times under  
15 the supervision of a supervisor who shall be responsible for  
16 ensuring that the extent, kind, and quality of counseling performed  
17 is consistent with the training and experience of the person being  
18 supervised, and who shall be responsible to the board for  
19 compliance with all laws, rules, and regulations governing the  
20 practice of marriage and family therapy. ~~Experience shall be~~  
21 ~~gained by interns and trainees either as an employee or as a~~  
22 ~~volunteer in any allowable work setting specified in this chapter.~~  
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24 (2) *An intern or trainee shall gain experience either as an*  
25 *employee or as a volunteer in a lawful work setting, as specified*  
26 *in subdivision (e).*

27 (3) *The* requirements of this chapter regarding gaining hours of  
28 experience and supervision are applicable equally to employees  
29 and volunteers. Experience shall not be gained by interns or  
30 trainees as an independent contractor.

31 (c) Supervision shall include at least one hour of direct  
32 supervisor contact for each week of experience claimed. A trainee  
33 shall receive an average of at least one hour of direct supervisor  
34 contact for every five hours of client contact in each setting. A  
35 person gaining postdegree experience shall receive an average of  
36 at least one hour of direct supervisor contact for every 10 hours of  
37 client contact in each setting in which experience is gained. For  
38 purposes of this section, "one hour of direct supervisor contact"  
39 means one hour of face-to-face contact on an individual basis or  
40 two hours of face-to-face contact in a group of not more than eight

persons. The contact may be counted toward the experience requirement for licensure, up to the maximum permitted by subdivision (d). All experience gained by a trainee shall be monitored by the supervisor as specified in regulation. The 5-to-1 and 10-to-1 ratios specified in this subdivision shall be applicable to all hours gained on or after January 1, 1995.

(d) (1) The experience required by Section 4980.40 shall include supervised marriage and family therapy, and up to one-third of the hours may include direct supervisor contact and other professional enrichment activities.

(2) “Professional enrichment activities,” for the purposes of this section, may include group, marital or conjoint, family, or individual psychotherapy received by an applicant. This psychotherapy may include up to 100 hours taken subsequent to enrolling and commencing classes in a qualifying degree program, or as an intern, and each of those hours shall be triple counted toward the professional experience requirement. This psychotherapy shall be performed by a licensed marriage and family therapist, licensed clinical social worker, licensed psychologist, licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology, or a licensed physician who has completed a residency in psychiatry.

~~(e) The experience required by Section 4980.40 may be gained as a trainee in the following settings: a governmental entity, a school, college or university, a nonprofit and charitable corporation, a licensed health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code, a social rehabilitation facility or a community treatment facility, as defined in subdivision (a) of Section 1502 of the Health and Safety Code, a pediatric day health and respite care facility, as defined in Section 1760.2 of the Health and Safety Code, or a licensed alcoholism or drug abuse recovery or treatment facility, as defined in Section 11834.02 of the Health and Safety Code, if the experience is gained by the trainee solely as part of the position for which he or she is employed. (1) For purposes of this chapter, ‘lawful work setting’ means a setting where a trainee provides services, and includes, but is not limited to, either of the following:~~

~~(A) Licensed health facilities, nonprofit and charitable organizations, governmental entities, educational institutions, mental health centers, and community treatment facilities.~~

1 (B) Entities that contract with the facilities listed in  
2 subparagraph (A).

3 (2) Except for work performed in a private practice setting, a  
4 trainee may gain hours of experience required by Section 4980.40  
5 in any lawful work setting as long as the work performed meets all  
6 of the following requirements:

7 (A) Regularly includes mental health counseling or  
8 psychotherapy.

9 (B) Is within a marriage and family therapist's scope of  
10 practice.

11 (C) Is provided solely as part of the position for which he or she  
12 is an employee or volunteer.

13 (D) Complies with all of the requirements of this chapter.

14 (f) The experience required by Section 4980.40 may be gained  
15 as an intern as specified in subdivision (e), or when employed in  
16 a private practice owned by a licensed marriage and family  
17 therapist, a licensed psychologist, a licensed clinical social worker,  
18 a licensed physician and surgeon, or a professional corporation of  
19 any of those licensed professions. Employment in a private  
20 practice setting shall not commence until the applicant has been  
21 registered as an intern. When an intern is employed in a private  
22 practice setting by any licensee enumerated in this section, or by  
23 a professional corporation of any of those licensees, the intern shall  
24 be under the direct supervision of a licensee enumerated in  
25 subdivision (f) of Section 4980.40 who shall be employed by and  
26 practice at the same site as the intern's employer. An intern  
27 employed in a private practice setting shall not pay his or her  
28 employer for supervision. While an intern may be either a paid  
29 employee or a volunteer, employers are encouraged to provide fair  
30 remuneration.

31 (g) All interns shall register with the board in order to be  
32 credited for postdegree hours of experience gained toward  
33 licensure, regardless of the setting where those hours are to be  
34 gained. Except as provided in subdivision (h), all postdegree hours  
35 shall be gained as a registered intern.

36 (h) Except when employed in a private practice setting, all  
37 postdegree hours of experience shall be credited toward licensure  
38 so long as the applicant applies for the intern registration within 90  
39 days of the granting of the qualifying master's or doctor's degree  
40 and is thereafter granted the intern registration by the board.

1 (i) Trainees and interns shall not receive any remuneration  
2 from patients or clients, and shall only be paid by their employer.

3 (j) Trainees and interns shall only perform services at the place  
4 where their employer regularly conducts business, which may  
5 include performing services at other locations, so long as the  
6 services are performed under the direction and control of their  
7 employer and supervisor, and in compliance with the laws and  
8 regulations pertaining to supervision. Trainees and interns shall  
9 have no proprietary interest in the employer's business.

10 (k) An intern or trainee who provides volunteered services or  
11 other services, and who receives no more than a total, from all  
12 work settings, of five hundred dollars (\$500) per month as  
13 reimbursement for expenses actually incurred by that intern or  
14 trainee for services rendered in any lawful work setting other than  
15 a private practice shall be considered an employee and not an  
16 independent contractor. The board may audit applicants who  
17 receive reimbursement for expenses, and the applicant shall have  
18 the burden of demonstrating that the payments received were for  
19 reimbursement of expenses actually incurred.

20 (l) Each educational institution preparing applicants for  
21 licensure pursuant to this chapter shall consider requiring, and  
22 shall encourage, its students to undergo individual, marital or  
23 conjoint, family, or group counseling or psychotherapy, as  
24 appropriate. Each supervisor shall consider, advise, and encourage  
25 his or her interns and trainees regarding the advisability of  
26 undertaking individual, marital or conjoint, family, or group  
27 counseling or psychotherapy, as appropriate. Insofar as it is  
28 deemed appropriate and is desired by the applicant, the  
29 educational institution and supervisors are encouraged to assist the  
30 applicant in locating that counseling or psychotherapy at a  
31 reasonable cost.

